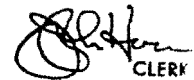


FILED

FEB 13 2012


CLERK

UNITED STATES DISTRICT COURT

DISTRICT OF SOUTH DAKOTA

SOUTHERN DIVISION

KELLY G. CRAGOE

Plaintiff,

vs.

MIKE DURFEE STATE PRISON

Defendant.

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CIV. 12-4008

ORDER OF DISMISSAL

Plaintiff, Kelly Cragoe, filed a letter dated January 6, 2012 requesting the Court's assistance in obtaining an injunction against the law library at the Mike Durfee State Prison (MDSP) in Springfield, South Dakota. Cragoe explained he desired an injunction to facilitate his ability to obtain photocopies in his already pending lawsuit. The entity against which he sought the injunction was not a party to his already pending lawsuit in the United States District Court, Southern Division (*Cragoe v. Maxwell, Nelson, Ross and Mitzel*, Civ. No. 11-4188). The Clerk's office construed Cragoe's request as a motion for a preliminary injunction, opened a new case file, and accordingly sent a letter to Cragoe informing him that a separate \$350.00 filing fee would be assessed.

On January 13, and again on January 31, 2012, Cragoe filed correspondence stating his January 6 letter was misunderstood, and requesting the instant lawsuit be dismissed. Cragoe's correspondence indicates he did not intend to begin a new civil action, but only wished to inquire about obtaining the Court's assistance in requiring MDSP to provide him with the photocopies necessary to pursue the legal claims pending in Civ. 11-4188.

Now, therefore,

IT IS ORDERED:

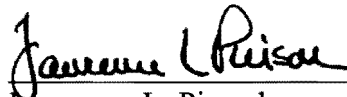
1. That the above-captioned matter, *Cragoe v. Mike Durfee State Prison*, Civ. No. 12-

4008, is DISMISSED.

2. No filing fee shall be assessed.
3. This dismissal shall not constitute a "strike" for purposes of 28 U.S.C. § 1915(g).

Dated this 13th day of February, 2012.

BY THE COURT:



Lawrence L. Piersol
United States District Judge

ATTEST:

JOE HAAS, Clerk

By


Deputy